



Personnel Security Adjudications Independent Study Course PS001.08

Security through Knowledge

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LESSON 6

CONTINUOUS EVALUATION

In this lesson you will learn why the issuance of a personnel security clearance or the determination that a person is suitable for assignment to sensitive duties cannot be considered as a final personnel security action.

We will discuss why the individual's trustworthiness is a matter of **continuing assessment**, and what responsibilities management, supervisors and individuals have for continued security eligibility.

We will also discuss the briefings that management must give the employee to insure they know their responsibilities and how to meet them.

At the end of this lesson you should be able to answer the following questions:

- ◆ What responsibilities does management have for continuous evaluation?
- ◆ What responsibilities do supervisors have for continuous evaluation?
- ◆ What are the individual's responsibilities for continuous evaluation?
- ◆ What are the co-worker's responsibilities for continuous evaluation?

READING ASSIGNMENT

Assignment 1:

DoD 5200.2R Chapter 9: Sections 1

Continuous Evaluation

**Uninterrupted assessment of a person
for retention of a security clearance
or continuing assignment to sensitive
duties**



The first security clearance

Figure 6-1

The continuous evaluation process prescribed by Chapter 9, DoD 5200.2-R, requires that persons who are authorized access to classified information or perform sensitive duties continually meet certain standards of trustworthiness, reliability, and loyalty. The disqualifying and mitigating criteria and conditions in Chapter II and Nov 98 memo reflect the standards in detail.

However, except for selected positions or when resolving derogatory information, we conduct a PSI only in support of the initial determination. Even when the nature of the position calls for recurring investigations, the reinvestigations are at least five years apart.

Adverse changes occur.

If we rely solely on these investigations for continued access, we are not recognizing that adverse changes occur in some employees' lives which create substantial doubt as to their qualifications. We need to know what is happening in their lives on a current basis to insure that they are still trustworthy.

The continuous evaluation process is necessary to evaluate the individual's post-adjudication activities by the same standards of trustworthiness, reliability, and loyalty used in the actual adjudication. DoD 5200.2-R imposes responsibilities on DoD components, commanders, supervisors, individuals, and co-workers to meet continuous evaluation requirements.

RESPONSIBILITIES

At component level.

The Heads of DoD Components establish and maintain a program to evaluate, on a continuing basis, the status of personnel under their jurisdiction with respect to security eligibility.

The programs try to insure close coordination between security authorities and personnel, medical, legal and supervisory personnel to assure that all pertinent information available within a command is considered in the personnel security process. Heads of components are encouraged to establish counseling and assistance programs to identify and correct problems early.

Need briefings.

Commanders and heads of organizations insure that personnel assigned to sensitive duties are initially indoctrinated and periodically instructed thereafter on the national security implications of their duties and their individual responsibilities.

PROGRAMS

Supervisors review PSQs.

Supervisory personnel learn their special responsibilities pertaining to personnel security for persons they supervise, what to report, what actions to protect national security interests are necessary, and the help available to aid individuals in overcoming problems. Additionally, they review PSQs on subordinates when prepared as part of a PR request and, based on information they know, include a statement on whether they know of disqualifying criteria.

Appraising security performance.

Further, in regularly scheduled fitness and performance reports on military and civilian personnel who have access to classified information, their supervisors appraise their performance of security responsibilities.

Continuous Evaluation.

The commander or director of an organization establishes procedures to insure that information which could reflect on each individual's trustworthiness are promptly identified and evaluated. **Within the organization, the commander sets up a program of continuous evaluation.** This program taps those sources of information and treats the information with the confidentiality necessary to protect the security of the United States and protect the rights of the individual. The information is acted upon in the most effective manner to ensure that rapid and appropriate resolution is made of the matter.

ACQUIRING INFORMATION

Sources of pertinent information.

The essential element of a continuous evaluation program is acquiring pertinent information concerning the suitability, loyalty, and trustworthiness of individuals without violating their rights. The following principles and concepts apply to what could otherwise be considered an intrusive and unwarranted invasion into the privacy of the individuals:

- Obligation to Report.*** ♦ DoD personnel have an obligation to report information that reflects an **actual** or **potential** danger to national security.

- Coordination & Education.*** ♦ Effective coordination with and education of potential sources of information is needed to insure that they are identified and reported in a manner which protects the interests of the government and the individual.

- Respect for Privacy.*** ♦ Respect for privacy and confidentiality of information received is essential.

- Prompt resolution.*** ♦ Prompt action to resolve unfavorable information is necessary both to protect the individuals involved and the activity.

- People change.*** ♦ People and their situations change over time for better or for worse.

- Continuous Support.*** ♦ Support from the activity's command, staff, and personnel must be continuous and consistent.

SOURCES OF INFORMATION

There are many sources of information available for continuous evaluation. Among the most important are the ones within the command itself. They are:

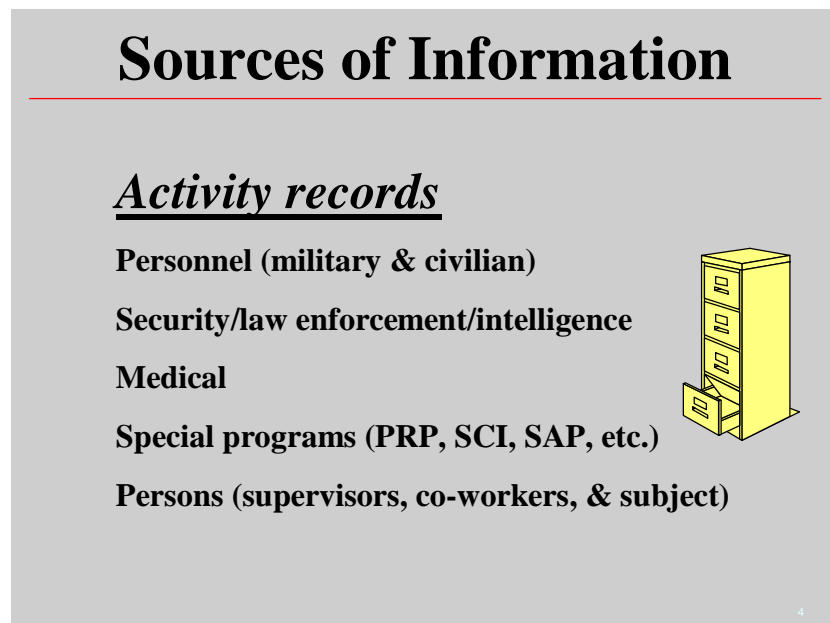


Figure 6-2

- ✓ **Command/Activity.** The commander/director is involved in a variety of disciplinary and corrective personnel actions which involve matters such as Article 15 punishments, letters of indebtedness, performance and conduct counseling, and other supervisory problems.
- ✓ **Personnel files.** Military and civilian personnel offices are involved not only in the investigation of suitability for employment but also handle the Suspensions of Favorable Personnel Action, so called "flagging actions" on military personnel who have unresolved unfavorable information.

- ✓ **Security/Law Enforcement/Intelligence files.** These files contain past and present allegations.
- ✓ **Medical files.** Several types of DoD medical facilities are a local source of information concerning physical or mental illnesses which could disqualify a person for sensitive duties.
- ✓ **Special program files.** (Personnel Reliability Programs, Sensitive Compartmented Information, Human Reliability, etc.) The files maintained by special program managers contain information which is used for essentially the same purposes that our continuous evaluation program are.

Reporting Information

Supervisors & Co-Workers



- Anything that affects duties
- First to know of information
- Report for safety reasons

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Figure 6-3

Supervisors and co-workers. Persons working in the general proximity of an individual can become aware of disqualifying factors through their close association. They should be the first to note if an individual has problems of a security concern or that may jeopardize their safety. Under the provisions of 5200.2R, they have an obligation to report that information promptly.

The chief of the activity, or designee, reviews such information and verifies it to assure it is pertinent and sufficiently serious to prompt action. That action may include suspending access, requesting an SII and notifying the CAF.

Reporting Information

The Individual

- Required to report information
- Unreliable in doing so
- To supervisor (work status)
- To Security Office



Figure 6-4

The Individual. A basic principle of personnel security investigation and of continuous evaluation is that the individual is the most knowledgeable source of personal information. The individual has the facts and can answer questions raised by the information. Individuals having access to classified information or performing sensitive duties are required by 5200.2R to notify their supervisors when their personal actions or circumstances violate the adjudication guidelines.

As you can well imagine, they are unreliable in doing so, and few of the individuals actually do report themselves. (Note: A few do report the conduct/behavior/violation as required. Some of those that do so also seek help through the Employee Assistance program (EAP).

- ✓ **Legal Assistance Office.** Legal assistance officials receive security related information such as indebtedness, civil suits, criminal actions, and domestic problems. After meeting ethical and legal standards of confidentiality, such officials have a responsibility to report derogatory information to security or commanders for review. Even if the content of the legal assistance/client relationship has confidentiality, the problem itself may be a matter of record.
- ✓ **Alcohol and Drug Abuse Programs.** While the content of alcohol and drug treatment programs and the counselor/client relationships are covered by confidentiality rules, the fact of attendance is normally a matter of record.

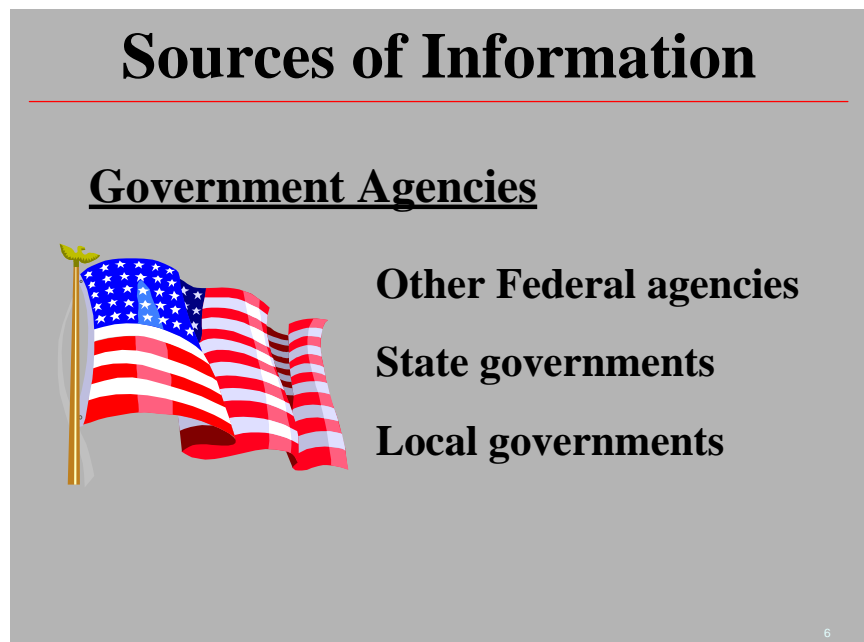


Figure 6-5

At the local activity the most frequent source of derogatory information from outside the command is **other federal agencies, state and local law enforcement agencies or governments.** The supporting military police or base security office is the normal recipient of such information.

SECURITY BRIEFINGS

Must know responsibilities.

The ability of an individual to continuously meet security responsibilities depends first on knowing what those responsibilities are and knowing how to meet them. Security education provides that knowledge and, in part, supports the continuous evaluation process. Accordingly, Components provide periodic briefings on security responsibilities to persons requiring access to classified information, or assigned to sensitive duties.

Training measures are grouped into the four security briefings (Figure 6-6) required by the personnel security program:

- ◆ **Initial Briefing**
- ◆ **Refresher Briefing**
- ◆ **Foreign Travel Briefing**
- ◆ **Termination Briefing**

Figure 6-6

In your adjudications, you should expect that the subject received these briefings and knew his/her responsibilities.

But the quality and methods of briefing will vary from activity to activity. If the content of the briefing is a critical factor in a case, this means you will probably have to request additional information.

INITIAL BRIEFING

The **Initial Briefing** is given after a determination of trustworthiness is made on an individual and before access is permitted. Once the person can be

How to protect.

trusted with the material, he/she must know how to **protect** the material. The initial briefing concentrates on the specific requirements for protection of the material to which the incumbent will have access and:

- ◆ **The techniques employed by foreign intelligence activities to obtain information and their responsibilities to report such attempts.**
- ◆ **The penalties for security violations.**
- ◆ **The requirement to report all foreign travel.**

Figure 6-7

The initial security briefing can be given by supervisory or security personnel but the activity is responsible to insure that no individual has access without the briefing.

REFRESHER BRIEFING

The **Refresher Briefing** is presented at least once a year for personnel having continued access to classified information. As a minimum, it covers the same topics required in the initial briefing.

FOREIGN TRAVEL AND CONTACT BRIEFINGS

The **Foreign Travel Briefing** applies to cleared personnel who plan travel in or through, foreign countries. The briefing is given prior to the travel. It alerts the traveler to possible exploitation by hostile intelligence services. They are ***Brief and debrief*** upon return as to what occurred during the travel.

This briefing is also required when such individuals will attend international, scientific, technical, engineering, or other professional meetings in the United States, or in any country where representatives of designated countries may be present.

When foreign travel patterns or failure to report such travel create a security concern, the activity refers the matter to their counterintelligence agency and the CAF. Records of briefings are maintained for five years.

TERMINATION BRIEFING

The **Termination Briefing** is given when an individual's employment is terminated, the security clearance is administratively withdrawn, or absence from duty or employment for 60 days or more is contemplated. The individual returns all classified material and executes a Security Termination Statement.

The Termination Briefing is also given to individuals who inadvertently gain access to classified information.

The Termination Briefing concentrates on continued protection for the information and includes the information shown in figure 6-8:

Termination Briefing

- ◆ **An acknowledgment that the individual has read and understands the implications of the laws and regulations for safeguarding classified information.**
- ◆ **A declaration that they have returned all classified material they possessed.**
- ◆ **An acknowledgment that the individual will report, without delay, to the FBI or the DoD component concerned any attempt by an**

unauthorized person to solicit classified information.

Figure 6-8

An individual's refusal to execute a Security Termination Statement is reported through the organization to DSS. DSS records that fact in the DCII.

THINGS TO REMEMBER

The granting of a favorable personnel action is not a final personnel security action. For as long as the individual is in a sensitive position, he/she remains the subject of continuous evaluation and education.

The continuous evaluation process is the day-to-day means we have of assuring our initial favorable security determination remains valid. It requires the involvement of the activity's management, supervisors, legal personnel, medical supporting agencies, the individual and their coworkers.

REPORTING AGENCIES

At this time, we will discuss CEP information coming to the CAF from sources other than the employing activity. You will learn which agencies are most likely to send this information to the CAF. We will also discuss the types of information each agency forwards to the CAF.

ADDITIONAL SOURCES OF INFORMATION

AT CAF LEVEL

As you learned in the last lesson, the employing activity is the source of most information sent to the CAF under the Continuous Evaluation Program (CEP). It is not, however, the only source of such information.

Information may be sent in by DoD agencies, other Federal agencies, state and local government agencies and by private individuals. Regardless of the source, any information received must be reviewed and adjudicated to determine its effects on the subject's current eligibility to perform sensitive duties or have access to classified information. You adjudicate this information in the same way as PSIs: review for completeness, relevancy, presence and resolution of issues and any disqualifying and mitigating factors, and obtain any additional information required.

The FBI

The Federal Bureau of Investigation is the major source of information sent to the CAF under this portion of the CEP. The types of information reported by the FBI reflect its dual mission: domestic counterintelligence (CI) investigations and criminal investigations involving violations of Federal laws.

The FBI is the major source of information.

In addition, the FBI maintains the National Crime Information Center (NCIC), which is a computer listing of arrests and convictions for violations of Federal, state and local laws as reported by law enforcement agencies. (NCIC is the computer checked in the "tech check" portion of the NAC.) NCIC reports (the FBI rap sheets or 1-4e Forms) are the largest share of information provided to the CAF.

Rap sheets are the most common FBI

Remember, though, that not all arrests are reported. Local practice and regulation determines what arrest information is reported to the NCIC. Even when arrests are reported, dispositions (convictions, acquittals, etc.)

information.

frequently are not. This means that you will frequently use the rap sheet as the basis for an SII request to DSS.

The FBI may also send CI and criminal investigations.

When the FBI has conducted a CI or criminal investigation which involves DoD affiliated personnel, you may receive a copy. This happens most often when the FBI is investigating an organization which the Department of Justice has determined to be subversive. If DoD personnel are involved with the group, the FBI may notify the appropriate CAF (depending upon whether such notification could compromise the investigation). Similarly, if the FBI is conducting an investigation into violations of Federal law, such as racketeering, the CAF may be notified about any DoD personnel involved.

The various reports sent in by the FBI are unsolicited; that is, they come to the CAF without being specifically requested. Most Components have standing reporting agreements with the FBI for the CAFs to receive all available information.

DoD Criminal Investigative Agencies

CID, NCIS, and AFOSI conduct criminal investigations.

Each of the military departments (the Army, Navy and Air Force) has its own criminal investigating agency. Army has the Criminal Investigations Command (CID), Navy has the Naval Criminal Investigative Service (NCIS), and the Air Force has the Office of Special Investigations (AFOSI). In addition, the Defense Criminal Investigative Service (DCIS) provides certain investigative assistance (primarily in the area of waste, fraud and abuse) to DoD agencies.

The Component criminal investigative agencies provide investigations relating to crimes against the Component or crimes committed on government property. You will frequently see CID, NCIS and AFOSI reports dealing with travel claim fraud by DoD personnel and with the theft of government property by DoD personnel. You can expect to see reports from these agencies dealing with the full range of criminal activity.

These reports are also unsolicited. How the information is reported to the CAF is a matter of individual Component practice, but you can expect to receive and adjudicate them on a regular basis.

CI Investigative Agencies

***INSCOM, NCIS
and AFOSI are
responsible for CI.***

Just as each Component has its own criminal investigative agency, each military department has its own counter-intelligence agency. Army's CI agency is the Intelligence and Security Command (INSCOM). Navy's (NCIS) and Air Force's (AFOSI) criminal agencies and CI for their respective departments. The other DoD agencies have agreements with one of the military agencies to give them support. The Component CI agencies investigate counterintelligence issues involving component personnel and information. (Note, however, that the FBI always has primary jurisdiction for these matters in the U.S., and will frequently work jointly with the Component on these investigations.)

Information relating to CI investigations may be reported to the CAF, provided, of course, that no CI operations are compromised by doing so.

***CI reports are
rare but
important.***

Although CI investigations, whether from the FBI or the Component agency, are probably the rarest reports that you'll see, they are also the most potentially important reports that you'll ever see. If you come across such a report, refer it immediately to your supervisor or a senior adjudicator

Other Federal Agencies

Besides the FBI and the DoD agencies, other Federal agencies will occasionally send reports which must be adjudicated under the CEP.

Sources of Information

Government Agencies



Other Federal agencies

State governments

Local governments

Foreign governments

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Figure 6-9

Treasury and Justice are the most common non-DoD sources.

The Department of the Treasury has a number of agencies with investigative elements. The IRS, the Bureau of Alcohol, Tobacco and Firearms (ATF), and the Bureau of Customs all conduct investigations. These investigations usually deal with violations of Federal laws, such as tax fraud, illegal arms dealing and smuggling.

The Secret Service may provide information involving threats against the lives of the president, vice-president and other persons under their protection. In turn, DoD requires that any such threats be reported to the Secret Service. If you receive such information, you must determine immediately whether it has been reported. If not, the CAF must do so. The Secret Service is also responsible for investigating currency counterfeiting. When these investigations involve DoD personnel, they may be sent to the CAF for you to adjudicate.

The Department of Justice (DOJ) has a number of agencies besides the FBI which may be the source of information to be reviewed under the CEP. The Immigration and Naturalization Service (INS) and the

U.S. Attorney's Office are the DOJ agencies most likely to send you CEP information. Again, this information usually involves criminal matters, such as Alien Smuggling or other violations of Federal laws.

The Central Intelligence Agency may provide information relating to DoD personnel involved in CI issues under their authority.

Although the agencies discussed above are the CAF's most likely sources of information, virtually any Federal agency could send in reports for you to review and adjudicate under the CEP.

Foreign Governments also have personnel records that may be available to the adjudicator.

These reports also come to the CAF without being specifically requested.

State and Local Agencies

State and local criminal agencies may forward information.

In addition to agencies of the Federal government, state and local government agencies sometimes send information to the CAF. While this information is usually sent to the employing activity (who will then send it to the CAF), it may come directly to the CAF. State and local agencies usually provide criminal information from police departments, the courts and probation and parole offices.

Other Sources of Information

Private sources

Citizens

Organizations

Clinics

Anonymous



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Other Sources of Information

Besides the various governmental sources, there are a number of other sources of CEP information for the CAF. Private citizens and government personnel may send information directly to the CAF. It's not unusual for a subject to provide derogatory information about other people when replying to an LOI or SOR. Or you may read a news report about a DoD affiliated person involved in some activity which raises questions about his/her loyalty, reliability or trustworthiness.

The information provided by most organizations and clinics is usually through the presentation of a release signed by the individual as part of an investigative process. There are times when information is provided by citizens as open sources (when they call to file a complaint for example) or anonymously (when they call to get someone to look into what they perceive as a "wrong").

One group of frequently checked private organizations that provides us information are educational institutions when they are presented with a release* signed by the individual. Some of these checks reveal that the individual does not have the degree that they claim to have.

***Releases (medical, education and credit/financial) are requested as part of many investigations. The DSS agent can request releases from the individual to resolve issue(s) in an SII.**

Information from some of these sources may not be complete enough to make a final decision about the subject's security eligibility. Most often, you'll use this information as the basis of a request for an SII from DSS

REMEMBER

The Continuous Evaluation Program, by its very nature, draws information from many sources. We have just discussed the most common sources of information coming directly to the CAF.

The FBI provides both criminal and CI information and is the most common source of information.

Each of the military departments has CI and criminal investigative agencies which are frequent sources of CEP information.

Other Federal agencies, such as Treasury and Justice, are occasional sources of information. Additionally, state and local agencies, foreign governments, and private individuals will sometimes send the CAF information which you'll review under the CEP. Additionally, state and local agencies, foreign governments, and private individuals will sometimes send the CAF information, which you'll review under the CEP

Review Exercise

1. A personnel security determination is an effort to assess the future _____ of an individual in terms of the likelihood of the individual preserving the national security.
2. In conjunction with the submission of PRs, _____ review an individual's SF 86 to insure that no significant adverse information of which they are aware that may have a bearing on subject's continued eligibility for access to classified information is omitted.
3. To protect classified information, the employee must know:

4. What are the four types of security briefings?

5. The continuous evaluation program recognizes that adverse changes occur in some persons' lives.
 - a. True
 - b. False
6. All members of DoD have the responsibility to report derogatory information on persons assigned to sensitive duties to the appropriate commander or security officer.
 - a. True
 - b. False

7. What are the two types of information provided by the FBI?

8. What are the criminal investigative agencies of the three military departments?

9. What are the CI investigating agencies of the three military departments?

10. What are the two non-DoD Federal agencies most likely to send the CAF information considered under the CEP?

11. Private individuals and the news media occasionally provide information to be reviewed under the CEP.

- a. True
- b. False

Solutions and References

1. **trustworthiness (Para 9-100, DoD 5200.2-R)**
2. **supervisors (Lesson 6, page 6-4)**
3. **How to protect it. (Lesson 6, page 6-11)**
4. **Initial, Refresher, Foreign Travel and Termination (Lesson 6, page 6-10)**
5. **a. True (Lesson 6, page 6-3)**
6. **a. True (Lesson 6, page 6-3)**
7. **Criminal and Counterintelligence (Lesson 6, page 6-14)**
8. **Army-CID, Navy-NCIS and Air Force-OSI (Lesson 6, page 6-15)**
9. **Army-INSCOM, Navy-NCIS and Air Force-OSI (Lesson 6, page 6-16)**
10. **The Departments of Justice and Treasury (Lesson 6, page 6-17)**
11. **a. True (Lesson 6, page 6-19)**
12. **FBI (Lesson 6, page 6-20)**